

**BLET REVISION COMMITTEE
MEETING MINUTES
October 12, 2018
North Carolina Justice Academy
Edneyville, NC**

Ms. Laurie Austen called the meeting to order at 10:05 a.m. and thanked everyone for attending the October 12, 2018 BLET Revision Committee meeting. Janet Dunn conducted a formal roll call. A quorum was present. Ms. Austen recognized guests in attendance and asked that they introduce themselves.

Members Present:

Shane Manuel, North Carolina State Highway Patrol (Represented by Joe Cotton)
Billy Kelly, Rockingham Police Department (Represented by Lee Bailey)
Steve Warren, Western Piedmont Community College
Sammy Turner, Brunswick County Sheriff's Office (by phone)
Jon Gregory, Wake Technical Community College (by phone)
Wayne Lamm, Nash Community College
Randy Shepherd, Guilford County Sheriff's Office
Rick Tullis, Asheville Police Department
Aaron Vassey, Cleveland Community College

Members Absent:

Rick Barney, Craven Community College
Kelly Bleckwelder, Town of Elon Police Department

Ex-Officio Members Present:

Michelle Schilling, CJ Standards Division
Marie Evitt, NC Department of Justice

Ex-Officio Members Absent:

Steve Combs, CJ Standards Division
Charminique Williams, CJ Standards Division
Autumn Hanna, Sheriffs' Standards Division
Chris Scott, Sheriffs' Standards Division
Diane Konopka, Sheriffs' Standards Division

Staff Present:

Laurie Austen, (representing Jennifer Fisher), NC Justice Academy
Janet Dunn, NC Justice Academy
Trevor Allen, NC Justice Academy
Stacy Holloman, NC Justice Academy
Tony Losada, NC Justice Academy

Guests Present:

Len Condry, Coastal Carolina Community College

OLD BUSINESS

➤ Approval of April 13, 2018 meeting minutes

Members were afforded an opportunity to review the minutes from April 13, 2018 meeting. Wayne Lamm made the **motion** to accept the minutes as written. Randy Shepherd **seconded**. No further discussion. **Motion carried.**

➤ Curriculum Revisions

A disc containing the lesson plans to include handouts under revision for the January 2019 revision cycle were mailed to the members several weeks in advance of the meeting.

Physical Fitness: Special character correction.

Sammy Turner made a **motion** to accept the revision as presented. Steve Warren **seconded**. No further discussion. **Motion carried.**

Ethics: Removal of 1995 video.

Randy Shepherd made a **motion** to accept the revisions as presented. Aaron Vassey **seconded**. No further discussion. **Motion carried.**

Arrest Search and Seizure/Constitutional Law: Typographical correction; offices to officers.

Aaron Vassey made a **motion** to accept the revisions as presented. Wayne Lamm **seconded**. No further discussion. **Motion carried.**

Elements of Criminal Law: Clarification of instruction of instruction and procedural notes, additional dollar value added

Wayne Lamm made a **motion** to accept the revisions as presented. Steve Warren **seconded**. No further discussion. **Motion carried.**

Communication Skills for Law Enforcement Officers: Removed practical exercise #9, "Spear" and practical exercise #10, "Proper Paraphrasing." Added note regarding the "Implicit Association Test" which becomes the new #9 practical exercise. References and sources have been updated. Direct quote on page 45 was corrected to make the citation.

Additional corrections noted by committee members:

- Page 17: typographical "f/than"
- Page 23: typographical "facial once" – should be corrected to "facial one"
- Page 26: no text in the lesson plan explaining the meaning or significance of steep fingers and open hands, yet there are two PowerPoint slides dedicated to them. The January 2018 PowerPoint text shows steep fingers, open arms, and open hands. Also found within the lesson plan is the term "akimbo (arms on hips) or arms crossed in front of ones' body..." Webster's dictionary states fists on the hips with the elbows out. So, why even use the word?

- Page 36: typographical under d) Silence, (1) – to interrupt, and to **lea** (lead or leap) immediately into any

Further discussions:

Implicit Association test (new #9 practical exercise) – concerns were expressed over the need and availability to have computer access for completing the exercise. Discussions held concerning making this practical exercise optional. Ms. Evitt expressed concerns over the legal aspect and presented the idea of providing a written exercise in addition to the computer version so that those schools without computer access have another option. Upon having both options available, it would then become mandatory that one of the exercises (computer or paper-based) be completed.

Steve Warren made a **motion** to accept the proposed revisions in addition to those presented by the committee and include making the Implicit Association Test (new practical exercise #9) optional until a written exercise can also be implemented. Randy Shepherd **seconded**. No further discussion. **Motion carried**.

Field Note-taking and Report Writing: Clarifying text was added

Steve Warren made a **motion** to accept the revisions as presented. Richard Tullis **seconded**. No further discussion. **Motion carried**.

Responding to Victims and the Public: List was amended on pages 16 and 17 as well as revised with regard to the victim's rights.

Ms. Evitt expressed concerns over the text proposed for removal (stricken on copy provided to the members) is from the North Carolina Statutes and addresses what law enforcement's responsibilities are with regards to providing information to the public and to victims. The text proposed for addition is from the North Carolina Constitution. Both are correct; however, she feels that it should not be changed because (1) the statutory reference is more generalized, and (2) there may or may not be a new constitutional amendment that changes what those rights are and may result in another change. From a legal standpoint, Ms. Evitt doesn't feel that anything should be changed within the lesson plan; leave what is stricken and remove what is being added in red.

Randy Shepherd made a **motion** to follow legal counsel's recommendation to leave the material as previously written, making no changes. Aaron Vassey **seconded**. No further discussion. **Motion carried**.

Firearms: Handout provided of the proposed changes – instructor note #16 amended, removing the dominant and support hand referencing as well as the associated score sheet contained in the handouts.

Additional corrections noted by committee members:

- Page 12: Legal Justification for Deadly Force – that deals with 15A-401(d)(2) is not mentioned in the printed lesson plan but is found on three PowerPoint slides.

Recommends that the language of 15A-401(d)(2) be added to that section of the lesson plan.

Rick Barney made a **motion** to accept the revisions as presented to include the additional statutory language to the lesson plan. Steve Warren **seconded**. No further discussion.
Motion carried.

Motor Vehicle Laws: Page 8, interlock information moved/added to page 227; made several grammatical corrections; page 183 removed “SBI and other labs” language. This lesson plan currently under legal review. Handout, “Enforcement Chart,” was removed as well as the PowerPoint slide associated with it.

Additional corrections noted by committee members:

- Page 202, #7 – which reads as follows and is recommended by legal counsel to be corrected as shown:

(7) A driver convicted of this offense will be disqualified from holding a commercial driver license. ~~The driver will not lose his right to obtain a regular Class C license unless the results are less than 0.04 or 0.08 or more, or the driver was convicted of regular DWI at the same time.~~

~~The Legislature did not want to take the driver’s right to drive his or her personal vehicle unless driver was impaired. They conclude if the driver is convicted of DWI in CMV and had an alcohol concentration of 0.06 or higher, the driver must have been impaired and must be guilty of DWI (G.S. 20-138.1). The Legislature wanted to revoke only the CDL and not the regular Class C license if the alcohol concentration is less than 0.06 [G.S. 20-17(a)(2)(b)].~~
- Page 183; ~~...and SBI or other laboratories doing law enforcement test use this formula:~~ .08 g ... Recommendation to replace “use this formula” to read, “which uses the formula .08 grams...”
- Page 227: Legal counsel noted that the new material referenced DUI which is not used in North Carolina; recommendation to remove. Going forward, need to address/review repetition of material in other areas.
- Page 55, (8): Legal counsel noted that “right” should be changed to “privilege.” Recommends that the lesson plan be searched for any others that may be within the content.

(8) Disqualification: ~~to drive a CMV~~

A “disqualification” is a withdrawal of the privilege to drive a commercial motor vehicle. A disqualification does not revoke the ~~right~~ privilege to obtain a regular Class C driver license.

Randy Shepherd made a **motion** to accept the proposed revisions to include the additional revision as presented. Lee Bailey **seconded**. No further discussion. **Motion carried**.

Crime Prevention Techniques: Several references, sources, and a quotation were corrected. Pages 12, 26, 31, and 46 included the addition of introductory paragraphs. Page 33 included clarification of language, and page 40 included the addition of language to an instructor note.

Additional corrections noted by committee members:

- Page 12: Paragraph added was addressing officers and seems to be out of place since discussion is about crime prevention and the public. Recommended change as follows:

Just as a ~~A~~ reasonable officer is not going to risk his or her personal safety or the safety of the public when approaching a suspect, ~~the~~ unpredictability of a suspect's action heightens an officer's safety risk. Any proactive measures an officer takes improve the risks he or she takes when in a high-risk situation. The public should also consider taking similar proactive measures.

Richard Tullis made a **motion** to accept the proposed revisions to include the additional revision as presented. Lee Bailey **seconded**. No further discussion. **Motion carried**.

First Responder: Page 75 language clarification and page 76 (provided as a handout) (b) Pulse, "radial" was added for clarification.

Richard Tullis made a **motion** to accept the proposed revision as presented. Aaron Vassey **seconded**. No further discussion. **Motion carried**.

Domestic Violence Response: Page 13, instructor note was corrected to reflect that one evaluation form may be used for multiple scenarios. Slide #92 was corrected; originally showing deadly force as 14A and should be 15A.

Joseph Cotton made a **motion** to accept the proposed revisions as presented. Randy Shepherd **seconded**. No further discussion. **Motion carried**.

Controlled Substance: Grammatical corrections were corrected; SBI phone number was corrected.

Aaron Vassey made a **motion** to accept the proposed revisions as presented. Wayne Lamm **seconded**. No further discussion. **Motion carried**.

Traffic Crash Investigation: This lesson plan is almost basically a rewrite. Handout was updated; student evaluation form. There is a link provided on the BLET webpage to the pdf version of the DMV-349 document.

Randy Shepherd made a **motion** to accept the proposed revisions as presented. Joseph Cotton **seconded**. No further discussion. **Motion carried**.

Explosives and Hazardous Materials Emergencies: New references and endnotes; Page 77 included clarification of the IED switch types; slide #30 had a name change; pages 37-39 (#8) is all new material regarding escorting haz-mat; and page 79 contained a corrected quote.

Aaron Vassey made a **motion** to accept the proposed revisions as presented. Steve Warren **seconded**. No further discussion. **Motion carried**.

Individuals with Mental Illness and Developmental Disabilities: Handout format was revised, adding missing lines and removal of the instructor initials and scenario areas to allow for multiple scenarios to be included on one form.

Additional corrections as noted by committee members:

- Handout contained misspellings: “Exercise” in title and at the bottom of the form; c. “consuer” should be “consumer”

Wayne Lamm made a **motion** to accept the proposed revisions as presented. Randy Shepherd **seconded**. No further discussion. **Motion carried**.

Civil Process: Rewritten and reorganized.

Richard Tullis made a **motion** to accept the proposed revisions as presented. Wayne Lamm **seconded**. No further discussion. **Motion carried**.

Redirection: Director Allen addressed the Committee with the concerns of how the purpose is written; directed toward deputy sheriffs. Feedback he has received was provided and suggested that this be considered for rewriting to include all law enforcement officers.

Discussion ensued about how to rewrite the purpose. It was agreed upon and accepted that the purpose would be rewritten as follows:

To inform the student with information regarding basic civil process.

Randy Shepherd made a **motion** to change the lesson purpose as discussed. Wayne Lamm **seconded**. No further discussion. **Motion carried**.

Criminal Investigation: This block was included on the members’ disc; however, with some legal concerns with the lesson plan, Ms. Austen asked that the committee consider tabling this block until the next meeting. NOTE: Make sure that the director is correctly reflected on the Evidence Guide for this block of instruction.

Aaron Vassey made a **motion** to table the Criminal Investigation block until the next meeting. Lee Bailey **seconded**. No further discussion. **Motion carried**.

NEW BUSINESS

CORRECTION OF AUTHORS/TITLES:

Conversation was held about how long the lesson plans should continue to reflect the previous authors (revised by); should they remain or be removed? If determined they should remain, whether to update their title to reflect the current status, even if retired. Members were in agreement that they should be removed as long as the Academy has the historical data. It was suggested that there be an acknowledgement page listing the contributors; developmental page. Ms. Austen asked the members to consider this topic for further discussion at the next meeting and the Academy could draft something for review.

If the lesson plan states that the **current** individual is _____, make sure that it is reflecting the correct person/title. No recommendation to change the titles of the former authors to reflect their current titles since that is the title they held at the time of that writing (historical data).

ONLINE ACCESS:

No longer will the student lesson plans be available on the BLET webpage. The Academy is aligning with Administrative Code. Student lesson plans are available for sale.

DIVISIONS' REPORTS

Criminal Justice Standards Division Report (Michelle Schilling)

Michelle Schilling:

- Handout provided of the new changes effective January 1, 2019 for 12 NCAC 09B .0405
- What courses can a professional lecturer teach? They can teach their specialty and their application must be accompanied by a letter of intent, listing courses they wish to teach.
- Exam: Ms. Austen and legal counsel were able to quickly prepare the test questions and get them returned to CJ Standards for implementation end of November 2018.
- Virtual attendance for BLET – Discussion ensued regarding what “attend” meant; in-person or virtual? Ms. Schilling advised that she needs to obtain the Commission’s definition of “attendance;” what is the intent. If the Commission advises it means “physically in attendance,” then the rule will be changed to reflect in the classroom. If the intent includes “virtual,” then there will need to be further discussion. Members were not in favor of virtual attendance. As such, the BLET Revision Committee voted. Steve Warren made a **motion** not in favor of the virtual attendance for the BLET curriculum. Richard Tullis **seconded**. No further discussion. **Motion carried.**
- Task Analysis: Vendor has been selected and is waiting to be awarded. The vendor may reach out to the members for assistance. Contact with the North Carolina Justice Academy during the process will be necessary regarding how the job task affects the curriculum. The task analysis data survey will consist of new recruits and 5-years and below.
- SD Conference: 300 surveys were mailed with only 65 responses received. Discussions are underway for the 2019 agenda.
- 2019 Testing Sites: Conducting cluster testing. Testing sites are available online. Region 5 – Coastal Carolina added.
- 2020 Exam calendar will be available in the near future.

Sheriffs' Standards Division Report

No one in attendance to provide a report.

Legal Counsel's Report (Marie Evitt)

Legal staff are 2/3 of the way through the legal review of the BLET curriculum. Currently reviewing Arrest, Search and Seizure block.

Review/updates of the *Juvenile Laws and Procedures* block of instruction may affect other blocks.

OTHER BUSINESS

Membership

Several committee members' term expires effective December 31, 2018. Those members are:

- Jon Gregory – wishes to remain
- Billy Kelly – unable to attend; proxy in attendance cannot speak for Chief Kelly
- Wayne Lamm – will be stepping down
- Randy Shepherd – wishes to remain
- Richard Tullis – wishes to remain
- Sammy Turner – wishes to remain
- Aaron Vassey – wishes to remain
- Steve Warren – wishes to remain

With Wayne Lamm stepping down, this opens a seat on the committee and Director Allen asked if members had any recommendations. Ms. Schilling recommended Len Condry, Coastal Carolina Community College. Mr. Condry did acknowledge that he would be honored to serve on the BLET Revision Committee.

2019 Meeting Dates/Locations

- January 11, 2019 @ Guilford County Sheriff's Office, Greensboro, NC
- April 12, 2019 @ Brunswick County Sheriff's Office, Bolivia, NC
- July 12, 2019 @ North Carolina Justice Academy, Edneyville, NC
- October 11, 2019 @ North Carolina State Highway Patrol Training Academy, Raleigh NC

Richard Tullis made a **motion** that the meeting dates and locations be accepted. Aaron Vassey **seconded**. No further discussion. **Motion carried**.

Adjournment

Aaron Vassey made a **motion** that the meeting be adjourned. Randy Shepherd **seconded**. **Motion carried**. Meeting adjourned at 12:26 p.m.

Respectfully submitted,

Janet Dunn
Program Assistant
North Carolina Justice Academy

Date:

October 16, 2018